

Claimant testified that she was uncertain about the precise date of accident. However, when asked to give a date, she gave April 1996. She further testified that she did not report this injury because she did not know what was wrong, and she was having other health problems. She also testified that her condition worsened as she worked until she sought medical treatment in October 1996 at Boeing Central Medical.

The Appeals Board concludes that claimant has failed to meet her burden of showing ongoing aggravation through October 1996. While claimant has testified that she began having symptoms at an unspecified date, perhaps April 1996, the medical records introduced give a date of April 30, 1996. The medical records also attribute the symptoms to specific work loading parts from a tub on the floor to waist height. The record also indicates she went to her family doctor and received pain medication.

On balance, the record suggests a specific incident or specific onset at a time when she was lifting parts. The only date in the record shows that would have been approximately April 1996. While it is clear that claimant is uncertain about this date, it is, as indicated, the only date identified. Claimant acknowledges she did not report the problem to her employer until October 1996. This is not only more than 10 days, it is beyond the 75 days allowed in cases where there is just cause for failure to give the notice.

For the above reasons the Appeals Board concludes the Order by the Administrative Law Judge should be affirmed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated January 23, 1997, entered by Administrative Law Judge Jon L. Frobish should be and, hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of March 1997.

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BOARD MEMBER

c: Russell B. Cranmer, Wichita, KS  
Eric K. Kuhn, Wichita, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director